

COUNTY COUNCIL

74-54

OF

HARFORD COUNTY, MARYLAND

BILL NO. 74-54 (as amended)

Introduced by Councilman O'Neill, Freeman, Helton, Bernardo, Bryson,
Walsh, and Hardwicke
Legislative Day No. 74-35 Date: OCTOBER 15, 1974

AN ACT to add new Chapter 2, heading "Administration", to the Harford County Code to provide a chapter of laws which will govern the general administration of the Harford County Government; to enact new Article 15, heading "Volunteer Firemen Pension Benefits" to be added to Chapter 2 of the Harford County Code, said Article 15; to provide for a Retirement Program, and other benefits, for qualified Volunteer Firemen in Harford County; to provide for the standards, administration, procedures and funding for the program and benefits; and matters generally related thereto.

By the Council, OCTOBER 15, 1974

Introduced, read first time, ordered posted and public hearing scheduled

on: NOVEMBER 12, 1974

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on NOVEMBER 12, 1974 and concluded on NOVEMBER 12, 1974.

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1 Section 1. *Be It Enacted By The County Council Of Harford*
2 *County, Maryland*, that new Chapter 2, heading "Administration",
3 be, and it is hereby added to the Harford County Code, and that
4 Article 15, heading, "Volunteer Firemen Pension Benefits", be,
5 and it is, hereby, added to said Chapter 2 of the Harford County
6 Code, all to read as follows:

CHAPTER 2

ADMINISTRATION

ARTICLE 15. VOLUNTEER FIREMEN PENSION BENEFITS

Section 2-1.

11 (a) There is hereby established a retirement program
12 for qualified active volunteer members of Harford County
13 Volunteer Fire Departments/Companies or Ambulance Corps AND/OR
14 VOLUNTEER FIRE COMPANY RECEIVING CONTRIBUTIONS FROM HARFORD
15 COUNTY, MARYLAND. For purposes of this section, an active vol-
16 unteer member is defined as a person who has accumulated a
17 minimum of fifty (50) points per calendar year, in accordance
18 with the point system set forth in this section.

19 (b) Any person who has served as a member of a Harford
20 County Volunteer Fire Department/Company or Ambulance Corps
21 AND/OR VOLUNTEER FIRE COMPANIES RECEIVING CONTRIBUTIONS FROM
22 HARFORD COUNTY, MARYLAND shall be eligible to receive benefits
23 hereinafter set forth provided:

24 (1) The person is certified in accordance with the
25 provisions of this section to have served as an active volunteer
26 subsequent to January 1, ~~1974~~ 1975.

27 (2) Any person who discontinued active volunteer
28 service prior to January 1, 1970, may receive credit for said
29 service after being certified (in accordance with the provisions

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1 certified service and has not attained the age of sixty (60) may
2 be qualified. He will become eligible for benefits upon reaching
3 the age of sixty (60) provided he is certified as to the twenty-
4 five (25) years of qualified service prior to January 1, ~~1974~~
5 1975. After January 1, ~~1974~~ 1975, a person must accumulate the
6 proper number of points needed to qualify. After a person is
7 qualified and certified, failure to remain active or to maintain
8 membership in a Fire Department/Company or Ambulance Corps will
9 not disqualify or otherwise affect any person from receiving
10 benefits at the age of sixty (60).

11 Section 2-2. SERVICE BENEFITS.

12 (a) Beginning July 1, 1975, any person who has reached the
13 age of sixty (60) and who has completed a minimum of twenty-five
14 (25) years of certified active volunteer service, with any Harford
15 County Volunteer Fire Department/Company or Ambulance Corps shall
16 receive benefits in the amount of One Hundred Dollars (\$100.00)
17 per month, for life. Payments shall begin on the first day of
18 the month following eligibility. The program shall be adminis-
19 tered by the Director of Administration of Harford County and
20 payments shall be made directly to the volunteer entitled to such
21 benefits.

22 (b) An additional payment of Two Dollars (\$2.00) per month
23 shall be added to the benefits described in subsection (a) of
24 this section for each full year of volunteer service in excess
25 of twenty-five (25) years, providing that a maximum benefit of
26 One Hundred Fifty Dollars (\$150.00) per month or equivalent
27 shall be payable to any individual.

28 (c) IN THE EVENT ANY ACTIVE VOLUNTEER FIREMAN OR
29 CORPSMAN (HEREIN DEFINED AS ONE WHO HAS AT LEAST TWO (2) YEARS

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1 TO A MONTHLY BENEFIT OF THE NUMBER OF YEARS OF CERTIFIED
2 SERVICE COMPLETED MULTIPLIED BY FOUR DOLLARS (\$4.00). THESE
3 BENEFITS SHALL BE PAYABLE IN THE NORMAL MANNER.

4 Section 2-3. DISABILITY AND DEATH BENEFITS.

5 (a) In the event that any active volunteer becomes disabled
6 during the course of his service as a volunteer fireman
7 or ambulance corpsman while actively engaged in providing such
8 services, and in the event that the disability prevents the
9 volunteer from pursuing his normal occupation, and the disability
10 is of a permanent nature, as certified by the Maryland Workmen's
11 Compensation Commission or other competent medical authority
12 as designated by the Director of Administration, Harford County,
13 then the volunteer is entitled to receive the benefits prescribed
14 in subsection (a) and any such benefits as he may be entitled
15 to regardless of his age or length of service. These
16 benefits shall begin on the first day of the first month following
17 the establishment of the permanency of the disability.

18 (a) IN THE EVENT ANY ACTIVE VOLUNTEER BECOMES
19 DISABLED DURING THE COURSE OF SERVICE DESCRIBED IN THE
20 ANNOTATED CODE OF MARYLAND, ARTICLE 101, PARAGRAPH 24 (a)
21 AND SUCH DISABILITY PREVENTS THE VOLUNTEER FROM PURSUING
22 HIS NORMAL OCCUPATION, AND THE DISABILITY IS OF A PERMANENT
23 NATURE AS DETERMINED AND CERTIFIED BY THE MARYLAND
24 WORKMEN'S COMPENSATION COMMISSION, THEN THE VOLUNTEER IS
25 ENTITLED TO RECEIVE THE BENEFITS PRESCRIBED IN SECTION 2-2.
26 SUBSECTION (a) AND ANY SUCH BENEFITS AS HE MAY BE ENTITLED
27 TO REGARDLESS OF HIS AGE OR LENGTH OF SERVICE. THESE
28 BENEFITS SHALL BEGIN ON THE FIRST DAY OF THE FIRST MONTH
29 FOLLOWING THE ESTABLISHMENT OF THE DETERMINATION OF THE

1 COUNTY OR ANY OTHER DEPARTMENT/COMPANY OR CORPS WORKMEN'S
2 COMPENSATION INSURANCE CARRIER.

3 (b) In the event that any qualified volunteer shall die
4 while receiving benefits, then his surviving spouse is
5 entitled to benefits equal to fifty percent (50%) of the
6 volunteer's benefits. These benefits shall terminate upon death
7 or remarriage of the spouse.

8 (c) In the event that a qualified volunteer dies prior to
9 receiving any benefits under this section, his surviving
10 spouse is entitled to benefits equal to fifty percent (50%) of
11 the benefits earned by the deceased volunteer. THE DECEASED IS
12 ELIBIBLE TO RECEIVE. These benefits shall ~~terminate upon death~~
13 ~~or remarriage.~~ SHALL COMMENCE UPON THE FIRST DAY OF THE FIRST
14 MONTH AFTER THE DEATH OF THE VOLUNTEER AND SHALL TERMINATE UPON
15 THE DEATH OR REMARRIAGE OF HIS SPOUSE. A qualified volunteer
16 is defined as one who has completed twenty-five (25) years of
17 certified service.

18 ~~(d) In the event that any active volunteer fireman or corps-~~
19 ~~man (herein defined as one who has at least two (2) years of~~
20 ~~qualifying service in the five (5) preceeding years) attains the~~
21 ~~age of seventy (70) years and fails to achieve the required~~
22 ~~twenty-five (25) years of service, then the volunteer is entitled~~
23 ~~to a monthly benefit of the number of years of certified service~~
24 ~~completed multiplied by Four Dollars (\$4.00). These benefits~~
25 ~~shall be payable in the normal manner.~~

26 (d) IN THE EVENT ANY VOLUNTEER IS FATALLY INJURED
27 OR DIES AS A RESULT OF PERFORMING THE SERVICES DESCRIBED IN
28 THE ANNOTATED CODE OF MARYLAND, ARTICLE 101, PARAGRAPH 34 (a),
29 HIS SPOUSE SHALL BE ENTITLED TO BENEFITS UNDER SECTION 2-2.

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1 REMARRIAGE OF THE SPOUSE.

2 (e) In the event that a qualified volunteer fireman dies,
3 a burial benefit of One Thousand Five Hundred Dollars (\$1,500.00)
4 ONE THOUSAND DOLLARS (\$1,000) shall be payable TO THE SPOUSE.

5 Section 2-4. PERIODIC ADJUSTMENTS.

6 (a) Commencing July 1, 1975, and annually thereafter, a cost
7 of living review shall be made by the Director of Administration
8 of Harford County, to adjust the benefits provided by this Act
9 to reflect the then current cost of living index. The adjustment
10 shall increase or decrease the benefits as necessary to maintain
11 comparable purchasing value of this program. Revised or reviewed
12 benefits shall commence on October 1, of the year.

13 PERIODICALLY THE DIRECTOR OF ADMINISTRATION AND
14 THE HARFORD COUNTY FIRE CHIEF'S ASSOCIATION SHALL REVIEW
15 THE BENEFITS PRESCRIBED IN THIS ACT AND SUCH REVIEW COULD
16 INCREASE OR DECREASE THESE BENEFITS. REVISED BENEFITS,
17 SUBJECT TO APPROVAL OF THE COUNTY EXECUTIVE AND THE COUNTY
18 COUNCIL THROUGH THE BUDGET PROCESS, SHALL BE EFFECTIVE ON
19 THE FIRST PAY PERIOD IN THE NEW FISCAL YEAR.

20 Section 2-5. CERTIFICATION.

21 (a) It is the responsibility of each participating Volunteer
22 Fire Department/Company or Ambulance Corps to maintain detailed
23 and accurate records for each volunteer member on forms prescribed
24 by the Harford County Fire Chiefs' Association and approved by
25 the Director of Administration of Harford County.

26 (b) Beginning January 15, 1975, DECEMBER 1, 1974, and each
27 January 15, OCTOBER 1, thereafter, the Board of Directors of each
28 Volunteer Fire Department/Company or Ambulance Corps shall furnish
29 the Harford County Fire Chiefs' Association a statement under oath

1 information as may be required by the Harford County Fire Chiefs'
2 Association, and the Director of Administration of Harford County.

3 (c) Upon receipt of this statement, Harford County Fire
4 Chiefs' Association shall review the list of each department
5 or corps and furnish a copy thereof to the Director of
6 Administration of Harford County, together with a certification
7 as to the accuracy of each list by March 1, of each year. After
8 the Director of Administration of Harford County, HARFORD COUNTY
9 FIRE CHIEF'S ASSOCIATION, approves the certified list, he THEY
10 shall forward a copy of each approved list to the Fire Department/
11 Company or Ambulance Corps concerned by March 15, NOVEMBER 1,
12 of each year. These lists shall be posted in a conspicuous
13 place within each Fire Department/Company or Ambulance Corps
14 building for a period of not less than thirty (30) CALENDAR days.
15 POSTING DATE SHALL BE NOTED ON ALL APPROVED LISTS AND THE DATE
16 THE THIRTY (30) CALENDAR DAYS FOR A RIGHT OF APPEAL EXPIRES.

17 (d) A person whose name does not appear on the certified
18 list, or who is denied credit for services prior to January 1,
19 ~~1974~~ 1975, has the right to appeal within thirty (30) days
20 following the posting of these lists. HAS THE RIGHT OF APPEAL
21 WITHIN THIRTY (30) CALENDAR DAYS OF THE POSTING.

22 (e) The appeal shall be in writing and addressed to the
23 County Council of Harford County, who shall make a
24 final decision. The person appealing may request a hearing in
25 lieu of the written appeal. The hearing shall be conducted by
26 the County Council of Harford County, Maryland, within thirty
27 (30) days of the request and not less than five (5) days after
28 notifying the appellant of the date.

29 (e) THE REQUEST FOR AN APPEAL HEARING SHALL BE

1 ASSOCIATION WITHIN FIFTEEN (15) CALENDAR DAYS AFTER THE POSTING
2 EXPIRES BUT NOT LESS THAN FIVE (5) CALENDAR DAYS AFTER NOTIFYING
3 THE APPELLANT OF THE DATE.

4 (f) FIFTEEN (15) CALENDAR DAYS AFTER ALL APPEAL HEARINGS
5 (IF NECESSARY) BUT NO LATER THAN JANUARY 1, THE HARFORD COUNTY
6 FIRE CHIEF'S ASSOCIATION SHALL SUBMIT TO THE DIRECTOR OF
7 ADMINISTRATION OF HARFORD COUNTY A STATEMENT UNDER OATH
8 CERTIFYING ALL VOLUNTEERS OF THE DEPARTMENT/COMPANY OR CORPS
9 WHO HAVE QUALIFIED DURING THE CURRENT YEAR AND THOSE ELIGIBLE
10 FOR BENEFITS UNDER THIS ACT ON FORMS PRESCRIBED BY THE COUNTY.

11 (g) IT SHALL BE THE RESPONSIBILITY OF THE HARFORD
12 COUNTY FIRE CHIEF'S ASSOCIATION TO SUBMIT A STATEMENT UNDER
13 OATH OF ANY BENEFITS TO BE PAID UNDER SECTION 2-3. DISABILITY
14 AND DEATH BENEFITS., INCLUDING PROMPT NOTIFICATION OF TERMINATION.

15 (h) ANY VOLUNTEER ELIGIBLE FOR BENEFITS UNDER THIS
16 ACT MAY ELECT TO RECEIVE THE BENEFITS; HOWEVER, IF HE IS
17 RECEIVING BENEFITS HE SHALL NOT BE ELIGIBLE TO RECEIVE ANY OTHER
18 VOLUNTEER SERVICE BENEFITS OFFERED BY ANOTHER JURISDICTION
19 WITHOUT WITHDRAWING FROM HARFORD COUNTY'S PROGRAM.

20 Section 2-6. POINT SYSTEM.

21 In order to qualify for the benefits, points shall be credited
22 to each volunteer in accordance with the following standards:

23 (a) One point shall be credited for every three (3) hours of
24 attendance in a recognized training course, providing that not
25 more than twenty-five (25) points may be credited for all training
26 courses attended per year.

27 (b) One point shall be credited for each company or county
28 drill attended in its entirety, providing that not more than
29 twenty (20) points may be credited for all drills attended per

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1 rescue services attended, provided that not more than twenty-five
2 (25) points may be credited for all meetings attended per year.

3 (d) One point shall be credited for each call to which a
4 volunteer responds, providing that not more than forty (40) points
5 may be credited for all calls responded to per year.

6 (e) Twenty-five (25) points shall be credited for completion
7 of a one-year term as an appointed or elected officer in any
8 of the fire or rescue service organizations of Harford County
9 provided that not more than one office shall be counted in any
10 calendar year.

11 (f) One point shall be credited for every three (3) hours
12 of acceptable collateral duties such as, but not limited to,
13 apparatus and building maintenance, official standby and fire
14 prevention, fund raising details, providing that not more than
15 twenty-five (25) points may be credited for all collateral duties
16 performed per year.

17 (g) A volunteer member who serves or has served full time
18 military service in the Armed Forces of the United States shall
19 receive credit at the rate of five (5) points for each month
20 served providing that not more than fifty (50) points can be
21 credited for any calendar year. A maximum of four (4) years of
22 creditable service may be acquired in this manner.

23 Section 2-7. PRIOR SERVICE.

24 In order to provide credit for service prior to January 1,
25 ~~1974~~, 1975, the Fire Department/Company or Ambulance Corps shall
26 review its past and present membership rosters to determine the
27 number of years of credit to which each member or past member is
28 entitled. In making this analysis, the standards for active
29 service shall be used as guidelines. Approval for service shall

1 Ambulance Corps, that person shall receive credit for the service
2 in each organization, providing not more than one (1) year's
3 credits may be granted for each calendar year of volunteer
4 service.

5 Section 2-8. INSUFFICIENT RECORDS.

6 In the event that sufficient records are unavailable to
7 prove service prior to January 1, ~~1974~~ 1975, the certification
8 may be made by a Fire Department/Company or Ambulance Corps after
9 thorough investigation, and on the best information, knowledge,
10 and belief of the Board of Directors of the individual Fire
11 Department/Company or Ambulance Corps.

12 Section 2-9.

13 The Volunteer Firemen Pension Benefits Program shall be
14 funded as may from time to time be provided in the Annual Budget
15 Ordinance of Harford County, Maryland.

16 Section 2. Severability. If any provision of this Act or the
17 application thereof to any person or circumstance is held invalid
18 for any reason, the invalidity shall not affect the other
19 provisions or any other application of this Act which can be
20 given effect without the invalid provisions or applications,
21 and to this end all the provisions of this Act or declared to
22 be severable.

23 Section 3. *And Be It Further Enacted*, that this Act shall take
24 effect sixty (60) days from the date it becomes law.

25 Effective: January 31, 1975
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27
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29

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BY THE COUNCIL

Read the third time.

Passed SLSD 74-40, November 26, 1974 (with amendments)

~~Failed of Passage~~ _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 27th day of November, 1974
at 11:45 o'clock A.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. Lough
County Executive

Date 12-2-74

BY THE COUNCIL

This Bill, having been approved by the Executive and
returned to the Council, becomes law on January 31, 1975.